

JEFFER MANGELS BUTLER & MITCHELL LLP
MICHAEL J. HASSEN (Bar No. 124823)
AN NGUYEN RUDA (Bar No. 215453)
PATRICIA M. DESANTIS (Bar No. 264655)
1900 Avenue of the Stars, Seventh Floor
Los Angeles, California 90067-4308
Telephone: (310) 203-8080
Facsimile: (310) 203-0567
Email: mjh@jmbm.com
ahn@jmbm.com
pmd@jmbm.com

Attorneys for Defendant GHILOTTI BROS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE RAMIREZ, LUIS GOMEZ, and
MARCK MENA ORTEGA on behalf of
themselves and all other persons similarly
situated,

Plaintiffs,

v.

GHILOTTI BROS, INC., a corporation; and
DOES 1 through 50, inclusive,

Defendants.

CASE NO. 3:12-cv-04590-CRB

**STIPULATION AND ORDER
SHORTENING TIME ON DEFENDANT'S
MOTION TO CORRECT OR IN THE
ALTERNATIVE TO GRANT RELIEF
FROM ORDER GRANTING MOTION FOR
FINAL APPROVAL, ATTORNEY'S FEES
AND COSTS AND CLASS
REPRESENTATIVE INCENTIVE AWARDS
AND FINAL JUDGMENT**

///

///

///

1 WHEREAS on April 21, 2014 the Court issued its Order Granting Motion for Final
2 Approval, Attorneys' Fees and Costs and Class Representative Incentive Awards (the "Final
3 Approval Order") (Docket 125);

4 WHEREAS the Final Approval Order stated in relevant part:

5 11. Within 5 calendar days of the date of this Order, GBI is directed to
6 pay \$118,500.00, directly as follows, and to issue 1099s for each of the
following recipients upon receipt of a W9:

- 7 a. \$15,000 to each of the Class Representatives;
8 b. \$10,000 to Simpluris, the Settlement Administrator;
9 c. \$60,000 to Class Counsel for out-of-pocket expenses; and
d. \$3,500 to the California Labor and Workforce Development Agency
as a PAGA penalty.

10 12. Within 30 calendar days of the date of this Order, GBI is directed to
11 pay \$140,000.00 to Simpluris for distribution to the Class, and one-
12 third of the amount awarded in attorneys' fees (\$95,000) to Class
Counsel ("Initial Disbursement")

13 (Final Approval Order at 4:20-5:2);

14 WHEREAS pursuant to the Final Approval Order, the first payment must be made by April
15 26, 2014;

16 WHEREAS Plaintiffs Jose Ramirez, Luis Gomez and Marck Mena Ortega on behalf of
17 themselves and all other persons similarly situated and Defendant Ghilotti Bros, Inc. (collectively
18 the "Parties") entered into the Stipulation to Class Action Settlement ("Settlement Agreement") in
19 September 2013 (*see* Docket 110 at Ex. A);

20 WHEREAS a dispute has arisen regarding the Settlement Agreement's schedule for
21 settlement payments in light of pleadings filed by the Excluded Supervisors who Defendant contends
22 filed Objections to the Final Settlement (*e.g.*, Docket 106 and 123);

23 WHEREAS Defendant plans to file its Motion to Correct or in the Alternative to Grant Relief
24 from the Court's Order Granting Motion for Final Approval, Attorneys' Fees and Costs and Class
25 Representative Incentive Awards and Final Judgment ("Motion to Correct") on April 24, 2014,
26 which under the Northern District of California Local Rules would result in a hearing date of May
27 29, 2014;

1 WHEREAS Defendant contends that the Motion to Correct requires the Court's immediate
2 attention because the payment schedule in dispute requires payments be made prior to the time for a
3 hearing on a regularly noticed motion, and Defendant contends that it may be prejudiced by being
4 ordered to make these payments prior to the Court's ruling on the Motion to Correct;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
6 Parties to the above-captioned action, through their respective counsel, as follows:

7 1. If Defendant's Motion to Correct is filed on April 24, 2014, a hearing may be held on May
8 6, 2014 if the Court so orders.

9 2. If the Court orders a hearing date of May 6, 2014, Plaintiffs' opposition would be due on
10 April 29, 2014.

11 3. If the Court orders a hearing date of May 6, 2014, Defendant's reply would be due on May
12 1, 2014.

13 IT IS SO STIPULATED AND AGREED BY THE PARTIES.

14 DATED: April 24, 2014

ROSEN BIEN GALVAN & GRUNFELD LLP
GAY CROSTHWAIT GRUNFELD
KATHRYN G. MANTOAN
BLAKE THOMPSON
VAN SWEARINGEN
JENNY S. YELIN

STEWART & MUSELL, LLP
WENDY E. MUSELL
ELISA J. STEWART

19
20 By: /s/
21 GAY CROSTHWAIT GRUNFELD
22 Attorneys for Plaintiffs JOSE RAMIREZ, LUIS
23 GOMEZ, and MARCK MENA ORTEGA and
the Plaintiff Class

24 DATED: April 24, 2014

JEFFER, MANGELS, BUTLER & MITCHELL
LLP
MICHAEL J. HASSEN
AN NGUYEN RUDA
PATRICIA M. DESANTIS

27 By: /s/
28 AN NGUYEN RUDA
Attorneys for Defendant GHILOTTI BROS.,
INC.

ORDER

The Court, having reviewed the above Stipulation of the Parties, and good cause appearing, hereby orders as follows:

1. If Defendant's Motion to Correct or in the Alternative to Grant Relief from the Court's Order Granting Motion for Final Approval, Attorneys' Fees and Costs and Class Representative Incentive Awards and Final Judgment ("Motion to Correct") is filed on April 24, 2014, a hearing on the motion will be held on May 6, 2014 at 3:00p.m..

2. If the Motion to Correct is filed on April 24, 2014, Plaintiffs' opposition is due on April 29, 2014.

3. If the Motion to Correct is filed on April 24, 2014, Defendant's reply is due on May 1, 2014.

IT IS SO ORDERED.

DATED: April 28, 2014

